

Message

From: Paula Maccabee [pmaccabee@justchangelaw.com]
Sent: 12/4/2015 2:43:12 PM
To: McKim, Krista [mckim.krista@epa.gov]
CC: Wester, Barbara [wester.barbara@epa.gov]
Subject: Northshore Mining Progression 401
Attachments: FinalCert 2010-01685-DWW NSM blks 5-12 12.03.15.docx.pdf;
 WaterLegacyCommentNorthshore_MPCADraft401Certification(11-4-15).pdf; Exhibit
 1_WaterLegacyCmtNorthshore401(10-23-14).pdf; Exhibit 2_NorthShoreNPDESPermit .pdf; Exhibit
 3A_MPCA_Updated_DunkaDMRs.xlsx; Exhibit 3B_WaterLegacy_DunkaDMRSummaries.xlsx; Exhibit 4_
 MPCAResponsesTimberjayQuestions.pdf; Exhibit 5A_MPCA-EPAJointPriority Agreement.pdf; Exhibit
 5B_MPCAMiningPPARReport& EPAComent.pdf; Exhibit 5C_WaterLegacyMiningPermitStatusSpreadsheet.pdf

Flag: Follow up

Hi Krista,

For your information and to add to supplemental files on WaterLegacy's Petition to Withdraw NPDES Authority. For your convenience, I have attached copies of WaterLegacy's comment letter and attachments referenced below.

Best regards,
 Paula

Paula Maccabee, Esq.
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Advocacy Director/Counsel for WaterLegacy

From: Catherine Neuschler <Catherine.Neuschler@state.mn.us>
Date: Friday, December 4, 2015 at 7:34 AM
To: Paula Maccabee <pmaccabee@justchangelaw.com>, Margaret Watkins <mwatkins@grandportage.com>, Nancy
 Schuldt <nancyschuldt@fdlrez.com>
Subject: RE: Northshore Mining Progression 401

All -
 Attached is the final letter. It is unchanged from what was posted.

~Catherine

From: Paula Maccabee [<mailto:pmaccabee@justchangelaw.com>]
Sent: Thursday, December 03, 2015 10:57 PM
To: Neuschler, Catherine (MPCA); Margaret Watkins (mwatkins@grandportage.com); nancyschuldt@fdlrez.com
Subject: Re: Northshore Mining Progression 401

Please provide me with a copy of the final MPCA letter.

Thank you.
 Paula Maccabee, Esq.

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Advocacy Director/Counsel for WaterLegacy

From: Catherine Neuschler <Catherine.Neuschler@state.mn.us>

Date: Thursday, December 3, 2015 at 10:08 AM

To: Margaret Watkins <mwatkins@grandportage.com>, Nancy Schuldt <nancyschuldt@fdlrez.com>, Paula Maccabee <pmaccabee@justchangelaw.com>

Subject: Northshore Mining Progression 401

Dear Ms. Watkins, Ms. Schuldt, and Ms. Maccabee -

Thank you for taking the time to provide the MPCA with input on the draft 401 certification for the Northshore Mining Block 5-12 progression project. Many of your comments relate to Northshore's NPDES permit. As we have noted in the past, the MPCA uses multiple permits to protect water quality standards. Where the MPCA has other water permitting programs that cover facility or project actions (such as stormwater or other NPDES permits), we have chosen to rely on those. This 401 certification is related to the actions (the excavation and fill) being permitted by the U.S. Army Corps of Engineers, not the long-term operation of the mine. I believe all your comments about the NPDES permit were addressed in the responses to comments on the EAW completed for the project.

We agree that wetland mitigation should be required for both direct and indirect impacts. One of the goals of the wetland monitoring included in the 401 certification is to understand if there are significant adverse impacts on wetlands, particularly from hydrological changes because of the project. As noted in the certification, if the monitoring shows reason for concern or loss of wetlands resulting from the project, the MPCA may require additional monitoring or mitigation.

I have issued the 401 certification for the Northshore Mining project today, December 3. Thank you.

Catherine Neuschler
Supervisor, Agency Rules Unit
Minnesota Pollution Control Agency
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